



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/568,656

02/15/2006

Roman Coppola

101070.0001US

9581

24392 7590 03/20/2009

FISH & ASSOCIATES, PC

ROBERT D. FISH

2603 Main Street

Suite 1000

Irvine, CA 92614-6232

EXAMINER

LIU, MICHAEL

ART UNIT

PAPER NUMBER

2851

MAIL DATE

DELIVERY MODE

03/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/568,656
Filing Date: February 15, 2006
Appellant(s): COPPOLA, ROMAN

Robert D. Fish
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/14/09 appealing from the Office action mailed 10/15/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The Examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,061,969	Leary	05-2000
5,946,500	Oles	08-1999

6,343,184	Huebner	01-2002
6,282,842	Simens	09-2001
4,164,829	Sadler	08-1979
2005/0144018	Aptekar	01-2005
4,103,369	Riordan	08-1978

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1 and 6-8 are rejected under 35 U.S.C. 102(b) as anticipated by Leary (6,061,969) or, in the alternative, claims 1, 6-8, 10, and 11 are rejected under 35 U.S.C. 103(a) as obvious over Leary as evidenced by Oles (5,946,500).

Leary teaches an inflatable structure containing all the structural limitations of the claim language. A recitation of the intended use, such as “photographic” and “to produce a uniform chroma key colored backdrop to a subject being photographed from inside the cavity,” of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. As a result, the claim limitations are anticipated by Leary under 35 U.S.C. 102(b).

Re claim 1: Leary discloses a system [Fig 1], comprising:

an inflatable structure 10 that defines a cavity sufficiently large to contain a plurality of people, props, and equipment [C4L2-5: dome interior has diameter 30 ft and height 15 ft]; and

wherein the structure comprises a translucent wall [C2L38-39] that is colored [C5L62: pigmented].

Alternatively, wherein the limitation "to produce a uniform chroma key colored backdrop to a subject being photographed from inside the cavity" defines the structure of the claimed photographic system, the claims are obvious over Leary. Subsequently, an alternative rejection is made under 35 U.S.C. 103(a).

Re claims 1, 10, and 11: Leary discloses a system [Fig 1], comprising:

an inflatable structure 10 that defines a cavity sufficiently large to contain a plurality of people, props, and equipment [C4L2-5: dome interior has diameter 30 ft and height 15 ft]; and

wherein the structure comprises a translucent wall [C2L38-39] that is colored [C5L62: pigmented].

Since Leary teaches a greenhouse structure, it does not disclose expressly the translucent wall is colored to produce a uniform chroma key colored backdrop to a subject being photographed.

Upon careful study of the inflatable pigmented dome-shaped structure of Leary that sufficiently large to contain a plurality of people, props, and equipment, one of ordinary skill in the photography art would have recognized that the pigmented wall of Leary can be utilized as a chroma key background for photographing a subject. As long as a background is comprised of a uniform solid color, as is Leary's pigmented wall, it can be utilized for chroma key replacement. When transferring a background image to the chroma key backdrop, the photographic system senses for a uniform solid color in

Art Unit: 2851

order to replace the solid color with the desired background image. The color needs to be uniform in order for the photographic system to identify the portions to be replaced. Additionally, this uniform solid color can be any color, even a pigmented color, as long as the photographic system is notified of the chroma key color. Therefore, the pigmented dome-shaped wall of Leary is capable of providing a chroma key colored backdrop to a subject being photographed from inside the cavity.

As evidence for the Examiner's position, Oles teaches using a solid colored background for the chroma replacement [C1L17-20]. A colored background 10 is placed behind a subject 12 that is being photographed, where the background has a uniform solid color, which is typically a blue or green colored paper [C1L27-32]. As a result, any solid colored background can be used for the chroma key background.

Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to utilize the pigmented dome of Leary as a solid colored background for chroma replacement to photograph subjects, as evidence provided by Oles, for the purpose of providing a temporary [C2L34] and inexpensive [C2L25] photographic system to construct a photographic setting for a photographer to shoot on location.

Re claim 6: Leary discloses wherein the inflatable structure is comprised of a plastic sheet [C5L53-56].

Re claim 7: Leary discloses the plastic sheet is a vinyl [C5L44-47: polyvinyl].

Art Unit: 2851

Re claim 8: Leary discloses wherein the vinyl has a thickness of at least 4 mils.

[C5L42-44: Thickness of vinyl wall is preferably approximately 0.004-0.008 inches.

Since 1000 mils = 1 in, the preferred thickness is 4-8 mils.]

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Huebner (6,343,184).

Leary teaches all limitations of the claimed invention except for further comprising a plurality of stage lights that illuminate the cavity from outside the structure.

Huebner teaches, as shown in Fig 10, a first light 84 that illuminates the cavity 252 and 254 from outside the structure.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have a plurality of stage lights to illuminate the cavity of Leary from outside the structure, for the purpose of increased lighting to yield a brighter and clearer photograph.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Simens (6,282,842).

Leary teaches all limitations of the claimed invention except for having a floor area greater than 20,000 sq. ft.

Simens teaches, "A sports stadium or building complex is covered by a huge fiberglass fabric dome that is supported by an inflatable dual-membrane bladder on a hollow compression ring with a diameter of 800 to 1200 feet" [abstract]. With a diameter of 800 feet, this yields an area of greater than 500 thousand square feet.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to increase in size the inflatable structure of Leary, for the purpose of having a larger area to use for photography, which would ease spacing.

4. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Sadler (4,164,829).

Leary teaches all the limitations of the claimed invention except for the inflatable structure having a floor portion that is continuous with the wall and the structure being inflated by pressurizing the cavity.

Sadler teaches, "Panels 11 may be of sufficient length to permit the lower portion thereof, when inflated, to be folded inwardly at the bottom of the chamber as shown at 17" [C3L34-36; see also Fig 1]. In addition, Sadler teaches an appropriate air moving device used to inflate the composite panel structure [C2L60-67].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to apply the teachings of Sadler in the invention of Leary, for the purpose of effectively inflating the structure.

5. Claims 19, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Oles and further in view of Huebner.

Re claims 19 and 20: Leary discloses a method, comprising:

providing an inflatable structure 10 that defines a cavity [C4L2-5: dome interior has diameter 30 ft and height 15 ft] having a colored wall [C5L62: pigmented].

Since Leary teaches a greenhouse structure, it does not disclose expressly the wall is colored to produce a uniform chroma key colored backdrop to a subject being

Art Unit: 2851

photographed. However, one of ordinary skill in the photography art would have recognized that the pigmented dome-shaped wall of Leary can be utilized as a chroma key background for photographing a subject. As long as a background is comprised of a uniform solid color, as is Leary's pigmented wall, it can be utilized for chroma key replacement. When transferring a background image to the chroma key backdrop, the photographic system senses for a uniform solid color in order to replace the solid color with the desired background image. The color needs to be uniform in order for the photographic system to identify the portions to be replaced. Additionally, this uniform solid color can be any color, even a pigmented color, as long as the photographic system is notified of the chroma key color. Therefore, the pigmented dome-shaped wall of Leary is capable of providing a chroma key colored backdrop to a subject being photographed from inside the cavity.

Furthermore, Oles teaches using a solid colored background for the chroma replacement [C1L17-20]. A colored background 10 is placed behind a subject 12 that is being photographed [Fig 1A], where the background has a uniform solid color, which is typically a blue or green colored paper [C1L27-32]. As a result, any solid colored background can be used for the chroma key background. Furthermore, Oles teaches a camera 16 and a subject 12, which can comprise a person [Fig 1B].

Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to utilize the pigmented dome of Leary as a solid colored background for chroma replacement to photograph subjects, as taught by Oles, for the

Art Unit: 2851

purpose of providing a temporary [C2L34] and inexpensive [C2L25] photographic system to construct a photographic setting for a photographer to shoot on location.

Leary as combined still does not disclose expressly illuminating the subject with artificial lighting transmitted through the wall.

Huebner teaches, as shown in Fig 10, a first light 84 that illuminates the cavity 252 and 254 from outside the structure.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to illuminate the subject with artificial lighting transmitted through the wall of Leary as combined, for the purpose of increased lighting to yield a brighter and clearer photograph.

Re claim 22: Leary as combined discloses further comprising positioning at least some photography-related equipment [Oles: flood lamps 14 and camera 16] inside the cavity.

Leary as combined does not disclose expressly operating the equipment from outside the cavity.

Huebner teaches, in C6L53-55 and C7L35-40, remote control of the camera, drives, and lights from outside the cavity.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use the remote control of Huebner to control the photography-related equipment of Leary as combined, for the purpose of easier control of the equipment.

Art Unit: 2851

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leary as combined as applied to claim 19 above, and further in view of Aptekar (2005/0144018).

Leary as combined discloses all limitations of the claimed invention except for the subject comprising a car.

Aptekar teaches the rental agreement form 1 includes “photographic images 22 of the vehicle being rented” [Par 0019; see Fig 1].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to make the subject of Leary as combined a car, as done in Aptekar, for the purpose of taking well-illuminated pictures of the vehicle to be able to see the vehicle clearly in the photograph.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leary as combined as applied to claim 19 above, and further in view of Sadler.

Leary as combined discloses all limitations of the claimed invention except for providing a floor portion that is an extension of the wall.

Sadler teaches, “Panels 11 may be of sufficient length to permit the lower portion thereof, when inflated, to be folded inwardly at the bottom of the chamber as shown at 17” [C3L34-36; see also Fig 1].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to apply the teachings of Sadler in the invention of Leary as combined, for the purpose of having a simple assembly that can quickly be put up and later torn down.

(10) Response to Argument

A. Rejection of claims 1 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Leary (US 6,061,969), or in the alternative, claims 1, 6-8, 10, and 11 under 35 U.S.C. 103(a) as being obvious over Leary as evidenced by Oles (US 5,946,500).

First, Appellant argues on page 5, line 29 to page 6, line 2 that the limitation “to produce a uniform chroma key colored backdrop to a subject being photographed from inside the cavity” is in fact a structural limitation. The Examiner respectfully disagrees. Contrary to Appellant’s assertions, the above limitation does not further define the structure of the invention. The limitation provides no details to further limit or describe the structure as currently claimed. Rather, this limitation only discloses the intended use of the inflatable structure. In apparatus, article, and composition claims, intended use language must result in a structural difference to patentably distinguish over the prior art. See MPEP § 2111.02, 2112, & *In re Schreiber*, 44 USPQ2d 1429 (Fed Cir 1997). As a result, the intended use limitation has not been given patentable weight. Consequently, Leary teaches the claimed invention of claim 1. Furthermore, as the structure of Leary reads on the structural limitations of claim 1, the inflatable greenhouse of Leary is capable of being used as the claimed photographic system. Therefore, Appellant's argument on this point is not persuasive.

Second, Appellant asserts on page 6, lines 15-16, "Consequently, it should be understood that Coppola's chroma key color is not a subset of Leary's pigment, but is entirely inconsistent with Leary's pigment." The Examiner respectfully disagrees. To the contrary, the pigmented plastic sphere of Leary can be used as a chroma key color

Art Unit: 2851

backdrop. The term “pigment” is defined as “a coloring matter or substance.”¹ As a result, pigment is synonymous with color, and the structure of Leary is interpreted to comprise a pigmented, or colored, wall. With regards to the chroma key color, it can comprise a single color or a narrow range of colors that is replaced electronically by an alternate background image. Blue and green are the most desirable chroma key colors, as these colors are considered to be the furthest away from skin tone. However, the colors used for chroma key are not limiting; any color technically can be utilized as the chroma key color for replacement. Therefore, even the pigmented color of the Leary structure would be capable for use in a background replacement method and can be applied as the chroma key color. Thus, Appellant's argument on this point is not persuasive.

Third, Appellant contends on page 6, lines 24-26, “There is absolutely no teaching in Leary to use a wall that is translucent and also one that is colored to produce a uniform chroma key colored backdrop.” Appellant also states on page 6, lines 17-20 that “the wall of the inflatable green house may be either (1) translucent when the greenhouse is intended to be used for photosynthetic plants, or (2) light filtering or opaque (presumably pigmented) when the greenhouse is to be used for light sensitive plants.” The Examiner respectfully disagrees. The pigmented structure of Leary is not only limited to a light filtering or opaque material but also could be constructed of a translucent material. Leary, in column 5, lines 61-62, describes the greenhouse as being made of a clear or pigmented plastic. However, Leary does not

¹ pigment. (n.d.). *Dictionary.com Unabridged (v 1.1)*. Retrieved March 05, 2009, from Dictionary.com

Art Unit: 2851

group the pigmented structure with the light filtering or opaque material. As one of ordinary skill in the art would recognize that a wall of pigmented color can be translucent, the pigmented structure of Leary could also be made of a translucent material. Therefore, contrary to Appellant's presumption, the wall of Leary can be chosen to be both pigmented and translucent.

As further evidence for the Examiner's position, the Riordan reference is cited. Riordan describes the material comprising the inflatable structure in column 3, lines 64-66, "Preferably, this translucent nylon material is of a blue color to provide a diffused blue light to the interior." As a result, Riordan shows further support that a colored structure can be made of a translucent material. Therefore, Appellant's contention is not persuasive.

Fourth, Appellant contests on page 6, lines 27-28, "Still further, Leary's translucent wall is not suitable (and hence not enabling as evidenced by Oles) for use as a uniform chroma key colored backdrop." The Examiner respectfully disagrees. The wall of Leary is comprised of a uniform pigmented color. Even after the wall is spot welded together, the color of the wall does not change and remains constant as the uniform pigmented color. Further, as discussed above, the pigmented color of Leary is colored, which is capable of producing a chroma key color, and thus capable of utilization as a uniform chroma key colored backdrop to a subject being photographed from inside the cavity. Therefore, one of ordinary skill in the art would interpret the wall of Leary as being the claimed "uniform chroma key colored backdrop."

Furthermore, Appellant argues on page 8, lines 7-9, "A surface that is comprised of a uniform solid color and that contains many surface irregularities or excessive shadowing is not suitable for use with chroma replacement." It is noted by the Examiner that the claim language does not recite the degree of uniformity or performing chroma replacement. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, as currently claimed, the translucent wall of Leary is capable for use as a uniform chroma key colored backdrop. Accordingly, the pigmented wall of Leary meets the claimed limitations. Thus, Appellant's argument on this point is not persuasive.

Fifth, Appellant asserts on page 8, lines 10-14, "The Office's stated rationale for its obviousness rejection over Leary as evidenced by Oles is that, 'it would have been obvious to one of ordinary skill in the art to utilize the pigmented dome of Leary as a solid colored background for chroma replacement to photograph subjects, as evidence provided by Oles.' (October 15, 2008, Office Action, at 5.) However, this mere conclusory statement is simply not sufficient to support the present obviousness rejection." The Examiner respectfully disagrees. A patent claim is *prima facie* obvious if some motivation or suggestion to combine the prior art teachings can be found in the prior art, the nature of the problem, or the knowledge of a person having ordinary skill in the art. *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007). In this situation, one of ordinary skill in the art would recognize the requirements of the uniform chroma key colored backdrop and also would have recognized the properties of the

Art Unit: 2851

inflatable structure of Leary, such as pigment colored, translucent, and portability. As a result, one of ordinary skill in the art would have recognized that the inflatable structure of Leary would meet the requirement of the uniform chroma key colored backdrop and that the inflatable structure of Leary can provide a temporary and inexpensive photographic system with a chroma key colored backdrop. This motivation can be found in column 2, lines 32-35 of the prior art of Leary. Therefore, the prima facie obviousness rejection of Leary as evidenced by Oles is proper. Accordingly, Appellant's argument on this point is not persuasive.

B. Rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Huebner (US 6,343,184).

Appellant argues on page 9, lines 15-17, "Huebner fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop." The Examiner respectfully disagrees. Huebner's teachings were relied on for the limitation lacked in Leary (i.e., further comprising a plurality of stage lights that illuminate the cavity from outside the structure), and the teachings of the photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop have been taught by Leary alone, or alternatively, by Leary as evidenced by Oles. Further, as discussed above, Leary does provide the requisite teaching that would have led one of ordinary skill in the art to practice a photographic system as recited in claim 1. Moreover, a prima facie showing of obviousness with respect to Leary as evidenced by Oles has been properly shown. Accordingly, Appellant's argument on this point is not persuasive.

Art Unit: 2851

C. Rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Simens (US 6,282,842).

Appellant argues on page 9, line 29 to page 10, line 2, "Simens fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop." The Examiner respectfully disagrees. Simens' teachings were relied on for the limitation lacked in Leary (i.e., wherein the inflatable structure has a floor area of more than 20,000 sq. ft.), and the teachings of the photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop have been taught by Leary alone, or alternatively, by Leary as evidenced by Oles. Further, as discussed above, Leary does provide the requisite teaching that would have led one of ordinary skill in the art to practice a photographic system as recited in claim 1. Moreover, a prima facie showing of obviousness with respect to Leary as evidenced by Oles has been properly shown. Accordingly, Appellant's argument on this point is not persuasive.

D. Rejection of claims 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Sadler (US 4,164,829).

Appellant argues on page 11, lines 1-3, "Thus, Sadler fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop." The Examiner respectfully disagrees. Sadler's teachings were relied on for the limitation lacked in Leary (i.e., wherein the inflatable structure has a floor portion that is continuous with the wall, and

Art Unit: 2851

wherein the structure is inflated by pressurizing the cavity), and the teachings of the photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop have been taught by Leary alone, or alternatively, by Leary as evidenced by Oles. Further, as discussed above, Leary does provide the requisite teaching that would have led one of ordinary skill in the art to practice a photographic system as recited in claim 1. Moreover, a prima facie showing of obviousness with respect to Leary as evidenced by Oles has been properly shown. Accordingly, Appellant's argument on this point is not persuasive.

Additionally, Appellant contends on page 10, lines 27-29, "Sadler teaches away from using a translucent wall, and as a result a person skilled in the art would not expect Sadler's inner wall to be suitable for use in background replacement." The Examiner respectfully disagrees. The teachings of Sadler relied upon do not teach away from using a translucent wall. The inflatable structure of Sadler is only applied to teach the limitations of claims 12 and 13, namely "the inflatable structure has a floor portion that is continuous with the wall" and "the structure is inflated by pressurizing the cavity." Only these teachings of Sadler have been combined with Leary to teach claims 12 and 13. As a result, the opaque wall of Sadler is never relied upon in the rejection, and the wall material of Sadler is irrelevant when making the combination. Therefore, the cited portions of Sadler do not teach away from a translucent wall and are combinable with Leary to teach the limitations of claims 12 and 13. Thus, Appellant's contention is not persuasive.

E. Rejection of claims 19, 20, and 22 under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Oles and further in view of Huebner.

Appellant argues on page 11, lines 20-22, “Huebner fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop.” The Examiner respectfully disagrees. Huebner’s teachings were relied on for the limitation lacked in Leary in view of Oles (i.e., illuminating the subject with artificial lighting transmitted through the wall and operating the photography-related equipment from outside the cavity), and the teachings of the photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop have been taught by Leary in view of Oles. Further, as discussed above, Leary does provide the requisite teaching that would have led one of ordinary skill in the art to practice a photographic system as recited in claim 1. Moreover, a prima facie showing of obviousness with respect to Leary as evidenced by Oles has been properly shown. Accordingly, Appellant’s argument on this point is not persuasive.

F. Rejection of claim 21 under 35 U.S.C. 103(a) as being unpatentable over Leary as combined as applied to claim 19, and further in view of Aptekar (US 2005/0144018).

Appellant argues on page 12, lines 10-12, “Aptekar fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop.” The Examiner respectfully disagrees. Aptekar’s teachings were relied on for the limitation lacked in Leary as combined (i.e., wherein the subject comprises a car), and the teachings of the photographic system having, *inter alia*, an

Art Unit: 2851

inflatable structure with a wall colored to produce a uniform chroma key colored backdrop have been taught by Leary as combined. Further, as discussed above, Leary as combined does provide the requisite teaching that would have led one of ordinary skill in the art to practice a photographic system as recited in claim 19. Moreover, a prima facie showing of obviousness with respect to Leary as combined as applied to claim 19 has been properly shown. Accordingly, Appellant's argument on this point is not persuasive.

G. Rejection of claim 23 under 35 U.S.C. 103(a) as being unpatentable over Leary as combined as applied to claim 19, and further in view of Sadler.

Appellant argues on page 13, lines 1-2, "Thus, Sadler fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize a wall colored to produce a uniform chroma key colored backdrop." The Examiner respectfully disagrees. Sadler's teachings were relied on for the limitation lacked in Leary as combined (i.e., wherein the step of providing the structure further comprises providing a floor portion that is an extension of the wall), and the teachings of the photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop have been taught by Leary as combined. Further, as discussed above, Leary as combined does provide the requisite teaching that would have led one of ordinary skill in the art to practice a photographic system as recited in claim 19. Moreover, a prima facie showing of obviousness with respect to Leary as combined as applied to claim 19 has been properly shown. Additionally, as discussed above in claims 12 and 13, the cited portions of Sadler do not teach away from using a translucent wall. Accordingly, Appellant's argument on this point is not persuasive.

Art Unit: 2851

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the Examiner in the Related Appeals and Interferences section of this Examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Michael Liu/
Michael Liu
Examiner, Art Unit 2851

Conferees:

Tulsidas Patel

/T C Patel/
Supervisory Patent Examiner, Art Unit 2839

Diane Lee

/Diane I Lee/
Supervisory Patent Examiner, Art Unit 2851